

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ARKEMA, INC., a Pennsylvania corporation;  
and GENERAL METALS OF TACOMA,  
INC., a Washington corporation,

Case No. C05-5087RBL

## Plaintiffs,

V.

## ORDER

ASARCO, INC., a New Jersey corporation; GOODWIN JOHNSON (1960) LTD., a Canadian corporation; JOHNSON-BYERS INC., a Washington corporation; DONALD E. OLIVE, a Washington resident; and WEYERHAEUSER COMPANY, a Washington corporation,

## Defendants.

This matter having come for a hearing before the Court on Plaintiffs' Motion for Reconsideration of the Court's Order Granting Partial Summary Judgment on Contribution Protection to Weyerhaeuser, and the Court having reviewed the following:

1. Plaintiffs' Motion for Reconsideration;
  2. Declaration of Robert Webb in Support of Plaintiffs' Motion for Reconsideration, and exhibits attached thereto;
  3. Weyerhaeuser's Response to Plaintiffs' Motion to Reconsider Order Granting Partial Summary Judgment on Contribution Protection, and exhibits attached thereto;
  4. Plaintiffs' Reply in Support of its Motion for Reconsideration; and

5. All materials filed in connection with the original motion.

**IT IS HEREBY ORDERED** that plaintiffs' Motion for Reconsideration of the Court's Order Granting Partial Summary Judgment on Contribution Protection to Weyerhaeuser is **GRANTED**.

4       **IT IS FURTHER ORDERED** that, at this time, Weyerhaeuser is not entitled to judgment as a  
5 matter of law to the effect that the contribution protection provision in its 2001 Consent Decree with the  
6 Washington State Department of Ecology bar plaintiffs' contribution claims under MTCA in this action.  
7 The Court's previous Order Granting Partial Summary Judgment on Contribution Protection to  
8 Weyerhaeuser is **REVERSED**, and the Court will hear evidence on the applicability and extent of  
9 Weyerhaeuser's Contribution Protection at trial. The exhibit list and witness list previously filed by each  
10 party may be augmented on the first day of trial (May 7, 2007) to reflect the additional evidence required  
11 by this Order.

DATED this 4<sup>th</sup> day of May, 2007.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE